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SUBJECT: SLOVENIA--2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. 2009 STATE 59732
[1](#)B. 2009 STATE 5577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Slovenia of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Slovenia and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Slovenia of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Slovenia,s country narrative in the 2009 TIP Report:

Slovenia (TIER 1)

Slovenia is primarily a transit country for men, women, and children trafficked from Ukraine, Moldova, Slovakia, Romania, Bulgaria, the Dominican Republic, Thailand, and Iran through Slovenia to Western Europe for the purposes of commercial sexual exploitation and forced labor. To a lesser extent, Slovenia is also a destination country for men, women, and children trafficked from Ukraine, the Dominican Republic, and Romania for forced labor and commercial sexual exploitation and a source of women trafficked for the purpose of forced prostitution within Slovenia.

The Government of Slovenia fully complies with the minimum standards for the elimination of trafficking. In November 2008, the government amended Slovenia,s criminal code to increase the maximum penalty for trafficking to 15 years, imprisonment. Authorities also increased the number of trafficking prosecutions and conducted public awareness campaigns aimed at reducing the demand for commercial sex acts. Although the total number of victims identified and assisted increased, Slovenia decreased funding for victim assistance.

Recommendations for Slovenia: Continue to vigorously investigate both sex and labor trafficking offenses and increase trafficking prosecutions and convictions; continue to provide trafficking awareness training for judges; ensure that a majority of convicted traffickers serve some time in prison; and continue to refer a significant number of identified victims for assistance.

Prosecution

The Government of Slovenia demonstrated increased law enforcement efforts in 2008. The government prohibits all forms of trafficking in persons through Article 113 of its criminal code, which prescribes penalties ranging from 6 months to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. The government conducted seven trafficking investigations in 2008, compared to six in 2007. Authorities prosecuted eight cases in 2008, an increase from three cases in 2007. Six traffickers were convicted in 2008, compared to five convictions in 2007. Four traffickers convicted in 2008 were given sentences ranging from 9 to 48 months, imprisonment, and two traffickers served no time in prison; in 2007, four traffickers were given sentences ranging from 15 to 57 months, imprisonment, and one convicted trafficker served no time in prison. The Ministry of Justice collaborated with an NGO to hold several anti-trafficking training seminars for judges, prosecutors, and police during the reporting period.

Protection

The Government of Slovenia maintained its efforts to provide adequate victim assistance and protection during the reporting period. The government provided \$95,000 to two

NGOs to provide both short-term and extended victim assistance including shelter, rehabilitative counseling, medical assistance, vocational training, and legal assistance; this is a decrease from \$105,000 provided in 2007. During the reporting period, government officials referred 70 potential victims for assistance, compared to four victims in 2007. A total of 65 victims were identified, of which 38 were provided with assistance by government-funded NGOs, an increase from 26 victims in 2007. After identification, victims were granted a 90-day reflection period. Victims were encouraged to participate in trafficking investigations and prosecutions of trafficking offenders. Foreign victims who assisted law enforcement could apply for a temporary residence permit and remain in Slovenia for the duration of the trial and may choose to stay longer if they are employed or in school. Nine victims assisted law enforcement in 2008, compared to eight the previous year. Victims were not punished for unlawful acts committed as a direct result of being trafficked.

Prevention

The government maintained its prevention efforts during the reporting period. In 2008, the Ministry of Interior, UNHCR, and local NGOs jointly administered a project that addressed trafficking and gender-based violence by providing information and assistance to asylum seekers at greatest risk of being trafficked, particularly single women and children separated from their parents. The government monitored immigration and emigration patterns for evidence of trafficking, and immigration and law enforcement officials screened for potential trafficking victims along borders. The government printed brochures and produced television commercials as part of an awareness campaign aimed at reducing the demand for commercial sex acts.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as

neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 -- or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers' home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries' "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers' profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing

for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Slovenia given a ranking of Tier 1?

A: The Government of Slovenia fully complies with the minimum standards for the elimination of trafficking.

Q2: What progress has Slovenia made in the past year?

A: In November 2008, the government amended Slovenia's criminal code to increase the maximum penalty for trafficking to 15 years' imprisonment. Authorities also increased the number of trafficking prosecutions and conducted public awareness campaigns aimed at reducing the demand for commercial sex acts.

Q3: What can Slovenia do to improve its fight against trafficking in persons?

A: To improve its anti-trafficking performance, the Government of Slovenia could: continue to vigorously investigate both sex and labor trafficking offenses and increase trafficking prosecutions and convictions; continue to provide trafficking awareness training for judges; ensure that a majority of convicted traffickers serve some time in prison; and continue to refer a significant number of identified victims for assistance.

¶12. The Department appreciates posts' assistance with the preceding action requests.

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